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OFFICE OF PETITIONS

In re Application of
Sanguthevar Rajasekaran et al.
Application No. 10/015,902
Filed: October 30, 2001
Attorney Docket No. 028410-0017

ON PETITION

This is a decision on the petition filed May 2, 2006, under 37 CFR 1.181, to withdraw the holding of abandonment, in accordance with the reasoning of the decision in Delgar Inc. v. Schuyler, 172 USPQ 513.

The petition under 37 CFR 1.181 is **GRANTED**.

This application became abandoned January 6, 2006 for failure to file a timely response to the Final Office Action mailed October 5, 2005. The instant petition and this decision precede the mailing of the Notice of Abandonment.

Petitioner argues that the Final Office Action mailed October 5, 2005 was not received, and that a revocation and power of attorney was filed prior to the mailing of the Office Action. Petitioners provide a copy of the revocation and power of attorney, a postcard receipt date stamped by the USPTO on February 25, 2004, copies of their docket record and a statement from the docketing clerk, as proof of filing of the revocation and power of attorney prior to the date the Office Action was mailed and as proof of non-receipt of the Office Action.

A review of the file does not reveal that a power of attorney and statement under 37 CFR 3.73(b) was filed but in view of the evidence presented, the Final Office Action mailed October 5, 2005 was mailed to the prior attorneys of record. The revocation and power of attorney was not made of record and thus the office action was mailed to the wrong address and as petitioners claim, not received. In view of the above, no petition fees are due and none have been charged.

The Notice of Abandonment is withdrawn and this matter is being referred back to Technology Center 2136 for a re-mailing of the Final Office Action originally mailed October 5, 2005.

Telephone inquiries concerning this matter may be directed to the undersigned
Petitions Attorney at (571) 272-3212

Patricia Faison-Ball
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